

Good morning, Chairman Stoker and members of the House Judiciary Committee. I am Representative Dee Brown from House District 3 in the Flathead Valley, commonly known as the grizzly and huckleberry capital of Montana on the west side of Glacier Park, one of the state's favorite playgrounds.

I am introducing HB150 patterned after another bill I carried in 2005. My HB61 in 2005 had bipartisan support but included governmental agencies in it so needed a super majority for its successful passage.

This time I have eliminated governmental agencies from the bill so that the Legislature in Montana will codify inherent risk for nongovernmental providers, similar to a Wyoming bill passed several years ago. As liability insurance costs continue to soar for recreational providers I hope you will consider passage of this bill as one part of a possible puzzle to set parameters on business costs especially in a downturning economy. Anything we do in a positive direction may help us all survive.

The Montana Recreation Responsibility Act spells out that there is inherent risk while doing some of the recreation we all enjoy. People from around the world visit our state to experience the thrill of many activities and sports. My bill will clarify that there are some risks associated with being here enjoying 'wild and wooly' Montana. It's often the very reason we are picked as a destination for people visiting our state and enjoying the activities.

Many activities have already been put into Montana law, from skiing to horseback riding. I consider this bill the umbrella bill to take in those not covered specifically in the law right now.

HB150 will not deter a lawsuit when there is a guide or provider of the fun who hasn't taken steps for the safety of the visitor. It will, however, specify that there are risks associated with all that fun, and judges or juries will be required to sift through the inherent risk and the poor guide service as a procedural part of the suit.

I hope I don't need to remind the members of this committee of the importance of tourism and recreation to our economy. We are the second largest income producer in the state behind agriculture, and I would argue that we're #1 when government subsidies are taken into account. Members of the Department of Commerce will testify later as to its importance so I won't take the time now.

Tracy Knutson, who crafted the Wyoming law, is a nationally known expert in the field of recreational law. She will join us by teleconference, Mr. Chair and members of the committee. I would ask that the committee protocol be suspended while she's on the telephone from Alaska in order to ask her questions.

I urge a 'do pass' on HB150, Chairman Stoker and members of the House Judiciary Committee, and reserve the right to close. Thank you for your time this morning.

  
Representative Dee Brown, HD3

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